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BY ECF

Hon. George B. Daniels
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Sokolow, et al. v. Palestinian Liberation Organization, et al.*
Docket No. 04-CV-397 (GBD)(RLE)

Dear Judge Daniels:

We write on behalf of plaintiffs to request the Court to set certain pretrial dates.

1. Background. With discovery largely complete in this long-open case, plaintiffs are working diligently to prepare a Joint Pretrial Order and to ready the case for a trial to commence at the earliest date that the Court's schedule allows.

To that end, we have attempted to agree on certain pretrial due dates with defendants. Although plaintiffs strongly believe that this case is not amenable to simplification through summary judgment briefing, we understand that the Court cannot forbid defendants to file a summary judgment motion within the time allowed by the Federal Rules of Civil Procedure. We therefore proposed, as a compromise, a schedule encompassing not only the JPTO, but also summary judgment and *in limine* motions. Our proposal to defendants is attached as Exhibit A.

Defendants have not responded to our proposal, even though—under the default deadlines currently in place—the parties must file the JPTO and any summary judgment motions in less than two weeks.

We had hoped to present a joint proposed pretrial schedule. However, as we have not received any response from defendants, and as the Joint Pretrial Order is currently

ARNOLD & PORTER LLP

Hon. George B. Daniels
December 10, 2013
Page 2

due in less than two weeks, we respectfully ask Your Honor to enter the schedule set forth below.

2. Proposed Pretrial Schedule.

- Joint Pretrial Order due January 22, 2014;
- Summary judgment motions, if any, due January 22, 2014;
- *In limine* motions and jury instructions due February 24, 2014;
- Responses to summary judgment motions due March 7, 2014, unless the Court earlier denies any motion for summary judgment; and
- Replies to summary judgment motions and responses to *in limine* motions due March 28, 2014, unless the Court earlier denies any motion for summary judgment.

3. Rule 16 Conference. By submitting this request, plaintiffs in no way intend to supersede their prior application to this Court for a Rule 16 conference to discuss the following the topics:

1. Setting a firm trial date in this case;
2. Whether this is a case appropriate for summary judgment briefing, in light of the extensive evidence that defendants perpetrated and/or supported the acts of terrorism responsible for plaintiffs' injuries and deaths;
3. Resolving open discovery disputes (*i.e.*, objections concerning certain of Judge Ellis's rulings concerning the admissibility of documents produced by defendants and the BBC's motion to quash a subpoena relating to a 2003 broadcast news program entitled "Arafat Investigated");
4. The possibility of mediation; and
5. Establishing a procedure for the use of documents that have been marked as confidential at trial or in connection with hearings.

ARNOLD & PORTER LLP

Hon. George B. Daniels
December 10, 2013
Page 3

Wherefore, plaintiffs respectfully request that the Court enter the schedule described above.

Respectfully submitted,


Kent A. Yalowitz

cc: All ECF Counsel